

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

ANDRES FERNANDEZ,

Petitioner,

v.

WARDEN, FCI JESUP,

Respondent.

2:25-cv-2

ORDER

The Magistrate Judge issued a Report and Recommendation for the Court to deny Respondent's Motion to Dismiss and to deny Petitioner Andres Fernandez's ("Fernandez") request for injunctive relief. Dkt. No. 16. Respondent has filed Objections to the Report and Recommendation. Dkt. No. 17.


The Magistrate Judge determined that Respondent fails to show Petitioner's claims should be dismissed. Dkt. No. 16. Specifically, the Magistrate Judge determined that Fernandez exhausted administrative remedies before filing this cause of action and that Respondent failed to show the Court lacks jurisdiction under the Administrative Procedures Act ("APA").

In his Objections, Respondent does not address exhaustion or jurisdiction under the APA. Dkt. No. 17 at 1-4. Instead, Respondent argues that Fernandez is not entitled to the relief he seeks. Id. In other words, Respondent argues about the merits of

Fernandez's claims, but he does not address the issues discussed in the Magistrate Judge's Report and Recommendation. Respondent's Objections are, therefore, not responsive to the Magistrate Judge's findings in the Report and Recommendation.

Thus, after an independent and de novo review of the entire record, the Court **OVERRULES** Respondent's Objections and **CONCURS WITH** and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court.¹ I **DENY** Respondent's Motion to Dismiss and **DENY** Fernandez's request for injunctive relief. Dkt. Nos. 4, 13.

SO ORDERED, this 29th day of September, 2025.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ Fernandez also filed objections, dkt. no. 18, but the objections are not responsive to the Report and Recommendation. The Court has considered the objections but need not address them further.